

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DEANGELO LAMAR WEIR,)	
)	
Plaintiff,)	
)	
v.)	NO. 3:10-0277
)	Judge Haynes/Bryant
LT. JOHN CLAIBORNE, et al.,)	
)	
Defendants.)	

TO: The Honorable William J. Haynes, Jr.

REPORT AND RECOMMENDATION

Defendants filed their motion to dismiss (Docket Entry No. 24) on June 24, 2010. Plaintiff, who is proceeding pro se, has not responded.

On July 26, 2010, the undersigned Magistrate Judge ordered plaintiff to respond to defendants' motion to dismiss or otherwise to show cause on or before Monday, August 9, 2010, why his complaint should not be dismissed (Docket Entry No. 32). This order further admonished plaintiff that his failure to respond may cause the undersigned Magistrate Judge to recommend that his case be dismissed.

A copy of this order and a subsequent mailing to plaintiff by the Clerk have been returned by the post office marked "return to sender - unclaimed - unable to forward" (Docket Entry Nos. 36 and 37).

From the foregoing, the undersigned Magistrate Judge finds that plaintiff has failed to prosecute his case and, for that reason, his complaint should be dismissed.

RECOMMENDATION

For the reasons stated above, the undersigned Magistrate Judge **RECOMMENDS** that plaintiff's complaint be **DISMISSED** for failure to prosecute.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days from service of this Report and Recommendation in which to file any written objections to this Recommendation, with the District Court. Any party opposing said objections shall have fourteen (14) days from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within fourteen (14) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986).

ENTERED this 27th day of September 2010.

s/ John S. Bryant

JOHN S. BRYANT
United States Magistrate Judge